THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :3030 of 2007

DATED:19-02-2007

BETWEEN:
V.Jayakumar.

..... PETITIONER

AND

The Employees State Insurance Corporation,
2nd floor, Padmanabha Buildings,
Vijayawada & another.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned counsel appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the proceedings of the 1st respondent in No.AP/SRO/VJA/Ins-II/62-22/04-46, dated 07-08-2006, and taking coercive steps to collect the amount covered under the said proceedings, as illegal, arbitrary, and unjust.

3. It is the case of the petitioner that his father used to carry on the business of cement concrete pipes under the name and style, 'Godavari Spun Concrete Pipes Company', a partnership firm, upto the year, 1991 but the said partnership firm has been discontinued and dissolved from 1991 onwards as there was some loss and his father also died thereafter on 04-04-1998. It is stated that pursuant to the Will executed by his father, the properties held by him have been bequeathed to the petitioner.

4. It is stated that the petitioner started the business under the proprietary concern but under the same name and style 'Godavari Spun Concrete Pipes Company' from 16-02-2000 onwards. Whileso, based on the details furnished by the 1st respondent in favour of the 2nd respondent with regard to the arrears due and payable in respect of the said company from 1991-2006 vide arrears certificate issued by the 1st respondent, the 2nd respondent issued a show cause notice to

the petitioner on 08-07-2005 as to why warrant of arrest should not be issued against him.

5. I am of the opinion that the petitioner has got an alternative remedy of adjudicating the disputes, if any, before the Employees' Insurance Court under section 75 of the Employees' State Insurance Act, 1948 (for brevity, 'the Act'). As admittedly, the Employees' Insurance Court has been constituted and all the disputes shall be decided by the said Court under Section 75 of the Act.

6. Having regard to the facts and circumstances, the writ petition is dismissed with a liberty to the petitioner to avail the appropriate remedy before the Employees' Insurance Court in accordance with law. No order as to costs.

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V.ESWARAIAH,J

19th February, 2007.

Note:

Furnish C.C. of the order within three days.

B/o

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